IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 6807 OF 2005

Baig Salim Abdul Razzak ..Applicant
V/s
The State of Maharashtra ..Respondent.

Mr. R. R.Mahagaonkar, Advocate appointed for the applicant.

Mrs. M.M. Deshmukh, APP for the State.

CORAM : J.H. BHATIA, J.

DATE : 3RD APRIL, 2007.

P.C.

. Heard Mr Mahagaonkar, learned Counsel for the applicant and Mrs. Deshmukh, learned APP for the State Perused the relevant record.

2. As noted in the order dated 26th February, 2007, though the number of points have been raised in the application, the applicant has limited his grievance to two grounds.

(a) It is the case of the applicant that whenever he makes application for furlough the said application is rejected on account of remarks dated 24/2/2004 put by

the Jailor of Kolhapur Central Jail.

(b) The applicant is life convict and he apprehends that on account of said remark, he will not be entitled to any remission or furlough leave and therefore, he is not likely to be prematurely released as contemplated under Section 433-A of Cr.P.C.

3. It appears that when he had made an application for furlough, the Superintendent of Kolhapur Central Jail had remarked, "his behaviour is not good, he is in habit of instigating the other prisoners in his circle and if he is released on furlough, he is not likely to come back to jail. Therefore, he should not be released on furlough". These remarks were made on 24/2/2004. In spite of the said remarks, he was granted furlough from time to time and as per the letter dated 20th February,2007 from the Central Jail Kolhapur till 30th June, 2006 he was granted furlough for 284 days. On 28.7.2006 he was permanently transferred from Kolhapur Jail to the Central Jail, Mumbai. Till his transfer on 28th July 2006, no offence related to his behaviour in jail was registered. In view of this, the remarks made by the Jail Superintendent in February, 2004 are not

likely to affect the chances of getting his remission or furlough leave in future. Mrs. Deshkukh, learned APP makes a statement that as and when he will make an application for furlough in future or as and when the question of grant of remission will arise, it would be decided on its own merits and the record without being influenced by the remarks made by the Jail Superintendent on 24/2/2004, as no offence related to his behaviour in jail is registered.

4. In view of the statement made by Mrs. Deshmukh, APP the application stands disposed off.

(J.H. BHATIA, J.)